

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,586,277 B2
Issued: September 8, 2009
By: Hideyuki KOBAYASHI, Toru SAKAGUCHI, Takeshi HARA
and Sakae NEJO
For: ELECTRIC POWER STEERING DEVICE
Application No.: 10/582,931
Filed: June 14, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPLICATION FOR CORRECTION OF
PATENT TERM ADJUSTMENT

Applicants hereby request correction of the patent term adjustment (PTA) for the above-referenced patent. Specifically, Applicants request that the patent about to issue from the present case receive a patent term adjustment of +492 days.

Pursuant to 37 CFR 1.703 the term of a patent may be adjusted due to delay in examination. Specifically, the patent term is adjusted by the number of days a first office action or notice of allowance is delayed beyond fourteen months from the filing date of the application. For the present application, as shown in the PAIR system, the relevant dates and adjustment are:

Filing Date:	June 14, 2006
Fourteen months:	August 14, 2007
First Office Action:	December 18, 2008
Adjustment:	+492 days

The adjustment of +492 days was accurately reflected in Notice of Allowance mailed on June 26, 2009. However, the current patent issued with an adjustment of +444 days, reflecting a patent term reduction of -48 days following allowance.

Pursuant to 37 CFR 1.704, the amount of any adjustment is reduced by any periods of time in which the applicant fails to engage in reasonable efforts to conclude prosecution of the application. This includes any delay beyond a total of three months to respond to an office action (37 CFR 1.704(b)). In the present application, no such delay or PTA reduction occurred.

Pursuant to 37 CFR 1.704(c)(10), the adjustment is reduced when an amendment under §1.312 or other paper that requires a response from the examiner is submitted by the applicant after a notice of allowance. In the prosecution of the present application, no amendment under §1.312 was submitted. Further, the only paper submitted by Applicants following the notice of allowance was the transmittal of issue fee on July 23, 2009 and this paper requires no response from the examiner. As such, the transmittal of issue fee document should not be the subject of a reduction in patent term under 37 CFR 1.704(c)(10) or any other paragraph of 37 CFR 1.704.

The PAIR system indicates that a “miscellaneous paper” was submitted by Applicants on July 23, 2009 and this was the cause of the patent term reduction of -48 days. However, as already indicated above, the only paper submitted on July 23, 2009 was the transmittal of issue fee and this is not the proper subject of a patent term reduction.

Accordingly, Applicants hereby request that the -48 day reduction be reinstated and that a total patent adjustment +492 days be granted.

The current issued patent, U.S. Patent No. 7,586,277, is not subject to a terminal disclaimer.

The fee in the amount of \$200.00 under 37 C.F.R. § 1.18(e) is to be charged to Sidley Austin LLP's Deposit Account No. 18-1260. Please charge any shortage or other fee due with the filing of these papers to Sidley Austin LLP's Deposit Account No. 18-1260. Please credit any overpayment to Sidley Austin LLP's Deposit Account No. 18-1260.

Respectfully submitted,

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